

STATE AGENCY Employment Criminal Background Checks

The following provides guidance for implementing criminal background checks concerning prospective employees of the AGENCY. This information will be applicable to all divisions, offices, and commissions within the AGENCY. This background check requirement will apply to positions in AGENCY divisions, offices, and commissions in addition to background checks required by Federal or State statutes, unless the background checks required by Federal or State statutes are employment background checks.

The AGENCY Anti-Fraud and Code of Ethics Policy requires background checks be performed on all applicants in positions that handle cash or negotiable assets. Background checks will be conducted by the Arkansas State Police prior to hiring an applicant.

An Agency Designated Official will determine the positions in their office that will be subject to the background check requirements of the Agency Anti-Fraud and Codes of Ethics policy. The Agency Designated Official will provide a list by Position Number to Human Resources of all the positions handling cash or negotiable assets in their office that fall under this requirement.

Public notices of employment for positions that require the handling of cash or negotiable assets must indicate that background checks are required.

DEFINITIONS

The following definitions shall apply unless the text clearly indicates otherwise:

- Applicant: A person applying for employment.
- Cash and Negotiable Assets: Currency, checks, and other transferable assets that are readily converted to cash. This also includes use of state credit cards, ability to make wire transfers, etc. in which funds can be accessed and/or utilized in an electronic format.
- Criminal Background Check: A criminal history report produced by the Identification Bureau of the Arkansas State Police.
- Hiring Official: A person authorized to make the hiring decision for the vacant position.

STATE AGENCY Employment Criminal Background Checks

PROCEDURES

The State of Arkansas Employment Application notifies applicants that some positions may require background checks to determine suitability of employment and that failure to meet these standards may cause the applicant to be rejected or terminated from that position. Applicants affirm this notification by their signature on the State of Arkansas Employment Application.

All applicants for positions that handle cash or negotiable assets are required to sign a consent form for a criminal background check (see Attachment I). This consent form will be provided to the hiring official by Human Resources prior to the interview. The applicant will be required to sign the consent form at the time of the interview in order to be considered for employment for the position.

The hiring official will forward the signed consent form of the applicant selected for the position to Human Resources. The hiring official will maintain all signed consent forms of applicants interviewed until the hiring process has been completed. Human Resources will submit an electronic request for a criminal background check to the Arkansas State Police. If the background check reveals an arrest for which there is no disposition, Human Resources will contact the law enforcement agency responsible for the arrest to obtain the disposition of the arrest. When Human Resources has obtained the disposition of all arrests, they will notify the hiring official of the results of the applicant's background check.

An applicant is disqualified for positions handling cash or negotiable assets if the background check reveals a misdemeanor conviction of a criminal offense that is of a financial nature or any felony conviction.

CURRENT EMPLOYEE APPLICATIONS

A current AGENCY employee applying for a position that handles cash or negotiable assets will be subject to the same requirements as any other applicant for the position. If the results of the background check disqualify the current AGENCY employee for the position, the hiring official will be notified.

If the applicant's current job involves handling cash or negotiable assets, then the results of the check will be provided to the AGENCY Director or his designee for disposition.

NOTIFICATION AND CHALLENGE

If the background check reveals a financial misdemeanor conviction or a felony conviction, Human Resources will notify the applicant by telephone of the

STATE AGENCY
Employment Criminal Background Checks

disqualification for employment due to results of their background check. Human Resources shall log all telephone calls to applicants in an applicant call log. If unable to reach the applicant by telephone numbers listed on the application within a two day period, then the disqualification shall be final. Any message left on the applicant's answering machine shall be considered a completed notification. Included in the notification by Human Resources shall be a statement that the applicant has the right to challenge the accuracy of the information included on the background check and that they have two (2) working days to provide a signed statement of intent to challenge the convictions with the Arkansas State Police. If the applicant declines to provide a signed statement to Human Resources within two (2) working days from the date of notification, the applicant will be automatically disqualified. After receiving a signed statement of their intent to challenge, the applicant will be given an additional three (3) working days to resolve any background check disagreements with the Arkansas State Police.

After the applicant resolves any disagreements with the background check, Human Resources shall obtain a new background check for the applicant, at which time the results of the background check will be considered final.